REMARKS

Reconsideration of the Office Action of May 4, 2007 is requested.

A.   35 U.S.C. § 101

In the Office Action, claims 7-16 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. In particular, the inventions of claims 7-16 were rejected for failing to recite a tangible result or physical transformation. Applicants traverse the rejection for the same reasons given in their Amendment filed on March 21, 2007. Despite the impropriety of the rejection, claim 7 has been canceled rendering its rejection moot. Regarding the remaining claims, the dependencies of claims 8-10, 12, 13, 15 and 16 have been amended so that claims 8-16 depend directly or indirectly on claim 29 which has been indicated to be directed to statutory subject matter. Accordingly, the rejection should be withdrawn.

As pointed out above, claims 8-10, 12, 13, 15 and 16 have been amended to change their dependencies. Since the amendments are being made solely to provide additional coverage for the method of claim 29, the amendments are not being made for reasons related to patentability as defined in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722 (2002).

B.   35 U.S.C. § 112, First Paragraph

Claim 29 was rejected under 35 U.S.C. § 112, first paragraph, for not being enabled by the Applicants' specification. Applicants traverse the rejection in that at least the paragraph beginning

at page 38, line 29 of Applicants' specification enables the invention of claim 29. Accordingly, the

rejection is improper and should be withdrawn.

Note that claim 29 has been amended so as to be in independent form since it contains

allowable subject matter. To the extent the amendments made to claim 29 contain subject matter

that was inherently present in the previous version of claim 29, the amendments are not related to

patentability. *See, Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 535 U.S.

722 (2002).

C.   35 U.S.C. § 103

1.   Raverdy et al. and Kavounis et al.

a.   Claims 1-6

Claims 1-6 were rejected under 35 U.S.C. § 103 as being obvious in view of Raverdy et al.,

U.S. Patent Application Publication No. US 2002/0068631 A1, and Kavounis et al., U.S. Patent

Application Publication No. US 2002/0116213 A1. Applicants traverse the rejection. In particular,

independent claim 1 recites both "receiving a report message on the at least one technical parameter

via the communications network" and "interpreting the report message for presentation on a user

interface to coordinate the management of the at least one technical parameter for trading partners

within a trading group." The Examiner in the Office Action has conceded that Raverdy et al. fails

to disclose the recited "receiving" and "interpreting" processes (Office Action, page 6). The

Examiner asserted that Kavounis et al. cured the deficiencies of Raverdy et al. by suggesting to alter

Raverdy et al. to send "an immediate report of the technical parameter for the system" to "improve the speed and provide a more effective way" (Office Action, page 6). However, a review of Kavounis et al. reveals that it regards displaying information as to how a business entity is performing. Kavounis et al. is silent as to receiving or interpreting report messages regarding a technical parameter of a remote data processing system. The passages at paragraphs 0005-0009, 0033 and 0082-84 of Kavounis et al. relied on by the Examiner regard the monitoring of performance measures and metrics of a business (see paragraph 0005, for example) and not the technical parameter of a remote data processing system. Since there is no reason based on Kavounis et al. or other sources to alter Raverdy et al. to perform the recited "receiving" and "interpreting", the rejection is improper and should be withdrawn.

The rejection is improper for the additional reason that neither Raverdy et al. nor Kavounis et al. discloses "receiving" and "interpreting" the recited at least one technical parameter that "includes information related to operation characteristics of any one of the remote data processing system, the communications network or a base data processing system in communication with the remote data processing system via the communications network." The Examiner at page 5 of the Office Action has asserted that paragraphs 0043-0048 disclose the recited at least one technical parameter. Applicants disagree. The paragraphs regard such financial metrics as on-time deliveries metrics (paragraphs 0043-0045), order line fill metrics (paragraphs 0043 and 0046-0047) and supplier quality metrics (paragraphs 0043 and 0048).

Since the paragraphs relied on by the Examiner and the remaining portions of Kavounis et al. do

not disclose the recited at least one technical parameter, the rejection is improper and should be

withdrawn.

Applicants traverse the rejection of claims 2-6, which depend directly on claim 1, and are

therefore patentable for the reasons stated above with respect to claim 1.

b.   Claims 7-16

Claims 7-16 were rejected under 35 U.S.C. § 103 as being obvious in view of Raverdy et al.

and Kavounis et al. Applicants traverse the rejection for the same reasons given in their

Amendment of March 21, 2007. Despite the impropriety of the rejection, claim 7 has been

canceled rendering its rejection moot. Regarding the remaining claims, the dependencies of claims

8-10, 12, 13, 15 and 16 have been amended so that claims 8-16 depend directly or indirectly on

claim 29 which has not been rejected based on the prior art and so the rejection should be

withdrawn.

Applicants traverse the rejections of claims 11 and 14 in that Raverdy et al. fails to

disclose installing an upgrade software module after receipt of confirmation that a requisite

hardware upgrade has been successfully completed. For example, the passages of Raverdy et al.

relied on by the Examiner at page 10 of the Office Action are silent as to the recited receipt of

confirmation. Since there is no reason based on Kavounis et al. or other sources to alter Raverdy

et al. to perform the recited receipt of confirmation, the rejection is improper and should be withdrawn.

Applicants traverse the rejections of claims 12 and 15 in that Raverdy et al. fails to disclose delaying transmission of a revision (claim 12) or a desired version of an upgrade software module (claim 15) if same software components (claim 12) or same software modules (claim 15) are not specified in the reference technical parameter data and the received technical parameter data. The passages of Raverdy et al. relied on by the Examiner at page 11 of the Office Action are silent as to the recited delaying transmission. Since there is no reason based on Kavounis et al. or other sources to alter Raverdy et al. to perform the recited delaying transmission, the rejection is improper and should be withdrawn.

Applicants traverse the rejection of claim 16 in that Raverdy et al. fails to disclose revising a reference parameters storage. The passages of Raverdy et al. relied on by the Examiner at page 12 of the Office Action are silent as to the recited revising. Since there is no reason based on Kavounis et al. or other sources to alter Raverdy et al. to perform the recited revising, the rejection is improper and should be withdrawn.

c.   **Claims 17-21**

Claims 17-21 were rejected under 35 U.S.C. § 103 as being obvious in view of Raverdy et al. and Kavounis et al. Applicants traverse the rejection. In particular, independent claim 17 recites

both "a monitor for receiving a report message on the at least one technical parameter via the

communications network" and "an interpreter for interpreting the report message for presentation

on a user interface. The Examiner at page 13 of the Office Action conceded that Raverdy et al.

failed to disclose the recited "monitor" and "interpreter." The Examiner further asserted that

Kavounis et al. cured the deficiencies of Raverdy et al. (Office Action, page 13). However, the

recited "monitor" and "interpreter" perform "receiving" and "interpreting" processes that are

similar to those recited in claim 1. As pointed out in Section C.1, Kavounis et al. is silent as to

receiving or interpreting report messages regarding a technical parameter of a remote data

processing system. Since there is no reason to alter Raverdy et al. to use the recited "monitor" and

"interpreter", the rejection is improper and should be withdrawn.

The rejection is improper for the additional reason that neither Raverdy et al. nor Kavounis

et al. discloses a "monitor" and "interpreter that uses the recited at least one technical parameter

that "includes information related to operation characteristics of any one of the remote data

processing system, the communications network and a base data processing system in

communication with the remote data processing system via the communications network." The

Examiner at page 5 of the Office Action has asserted that paragraphs 0043-0048 disclose the

recited at least one technical parameter. However, as pointed out in Section C.1.a the paragraphs

regard financial metrics. Since the paragraphs relied on by the Examiner and the remaining

portions of Kavounis et al. do not disclose the recited at least one technical parameter, the

rejection is improper and should be withdrawn.

Applicants traverse the rejection of claims 18-21, which depend directly on claim 17, and

are therefore patentable for the reasons stated above with respect to claim 17.

d.   Claims 22-28

Claims 22-28 were rejected under 35 U.S.C. § 103 as being obvious in view of Raverdy et

al. and Kavounis et al. Applicants traverse the rejection. In particular, independent claim 22 recites

"a monitor for receiving a report message on at least one technical parameter of a remote data

processing system via the communications network," "a data manager for retrieving reference

technical parameter data from a reference parameters storage" and "a data processor for

determining whether the received technical parameter data of the report data message complies

with the retrieved reference technical parameter data." Raverdy et al. does not disclose the

recited "monitor," "data manager" and "data processor." While the Examiner in the Office

Action conceded that Raverdy et al. failed to disclose the recited "monitor", he asserted that

Raverdy et al. disclosed the "data manager" and "data processor" (Office Action, pages 15-16).

Applicants disagree, because the recited data manager and data processor perform "retrieving" and

"determining" processes that are similar to those recited in claim 7. As pointed out in Section

C.1.b, Raverdy et al. does not disclose the "retrieving" and "determining" processes and so it

follows that Raverdy et al. does not disclose the associated "data manager" and "data processor."

For reasons similar to those given in Section C.1.b, there is no reason to alter Raverdy et al. to use

the recited "monitor," "data manager" and "data processor." Accordingly, the rejection is improper

and should be withdrawn.

The rejection is improper for the additional reason that neither Raverdy et al. nor Kavounis

et al. discloses the recited at least one technical parameter "includes information related to

operation characteristics of any one of the remote data processing system, the communications

network and a base data processing system in communication with the remote data processing

system via the communications network." This is shown with Applicants arguments made in

Section C.1.a above.

Applicants traverse the rejection of claims 23-28, which depend directly or indirectly on

claim 22, and are therefore patentable for the reasons stated above with respect to claim 22.

2.   Raverdy et al., Kavounis et al. and Kidder

Claim 29 was rejected under 35 U.S.C. § 103 as being obvious in view of Raverdy et al.,

Kavounis et al. and Kidder, U.S. Patent No. 6,455,774. Applicants traverse the rejection. In

particular, claim 29 recites "receiving on a monitor a report message containing technical parameter

data on a remote data processing system via the communications network," "retrieving reference

technical parameter data from a reference parameters storage based on the report message" and

"determining whether the received technical parameter data of the report data message complies with the retrieved reference technical parameter data." Raverdy et al. does not disclose the recited "receiving," "retrieving" and "determining" processes. While the Examiner at page 9 of the Office Action has conceded that Raverdy et al. fails to disclose the recited "receiving" process, he asserted that Raverdy et al. disclosed the "retrieving" and "determining" processes. A review of Raverdy et al. fails to reveal the recited "reference parameters storage" and any determination whether technical parameter data of a report message complies with retrieved technical parameter data. The passages of Raverdy et al. relied on by the Examiner at paragraphs 0016 and 0100 are silent as to the recited "retrieving" and "determining." For example, paragraph 0016 of Raverdy et al. regards completing a transfer procedure regarding electronic certificates. Since Kavounis et al., Kidder and other sources do not suggest altering Raverdy et al. to perform the recited "retrieving" and "determining", the rejection is improper and should be withdrawn.

The rejection is improper for the additional reason that there is no reason in Kavounis et al., Kidder and other sources to alter Raverdy et al. to perform the recited "receiving." As mentioned above in Section C.1,a, Kavounis et al. is silent as to receiving a report message regarding a technical parameter of a remote data processing system. Kidder is silent on this issue as well. Accordingly, the rejection is improper and should be withdrawn.
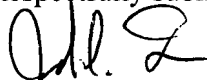
The rejection is improper for the additional reason that Kavounis, Kidder and other sources do not provide a reason to have Raverdy et al. perform the recited "receiving", "retrieving" and "interpreting" processes to operate on the recited technical parameter that "includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communications network."

CONCLUSION

In view of the arguments above, Applicants respectfully submit that all of the pending claims 1-6 and 8-29 are in condition for allowance and seeks an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, she is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,

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